

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**BILL DRAFT 2007-RBz-40B [v.1] (04/26)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/7/2008 7:37:34 AM**

Short Title: Supplemental PEG Support.

(Public)

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Sponsors: .

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE DISTRIBUTION OF SUPPLEMENTAL PEG  
3 SUPPORT FUNDING, AS REQUESTED BY THE LEAGUE OF  
4 MUNICIPALITIES AND THE SOUTHEAST ASSOCIATION OF  
5 TELECOMMUNICATIONS OFFICERS AND ADVISORS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 105-164.44I(b) reads as rewritten:

8 "(b) Supplemental PEG Support. – The Secretary must include the applicable  
9 amount of supplemental PEG channel support in each quarterly distribution to a county  
10 or city. The amount to include is one-fourth of twenty-five thousand dollars (\$25,000)  
11 for each qualifying PEG channel certified by the county or city. The amount of money  
12 distributed under this subsection may not exceed two million dollars (\$2,000,000) in a  
13 fiscal year. If the amount to be distributed for qualifying PEG channels in a fiscal year  
14 would otherwise exceed this maximum amount, the Secretary must proportionately  
15 reduce the applicable amount distributable for each PEG channel. If the amount to be  
16 distributed for qualifying PEG channels in a fiscal year is less than two million dollars  
17 (\$2,000,000), the Secretary must credit the excess amount to the PEG Channel Fund  
18 established in G.S. 66-359.

19 A county or city must certify to the Secretary by July 15 of each year each of the  
20 qualified PEG channels provided for its use by a cable service provider under either  
21 G.S. 66-357 or an existing agreement. A county or city must include the name of the  
22 PEG channel operator for each qualifying PEG channel it certifies and any other  
23 information required by the Secretary. If a qualifying PEG channel has more than one  
24 PEG channel operator, then a county or city must included each operator of the PEG  
25 channel on its certification. A county or city may not receive PEG channel support  
26 under this subsection for more than three qualifying PEG channels.

1 The amount included under this subsection in a distribution to a county or city is  
2 intended to supplement the PEG channel support available in the amount distributed  
3 under this section. A county or city must use the money distributed to it under this  
4 subsection for the operation and support of each of the qualified PEG channels it  
5 certified by allocating the amount it receives equally among each of the qualified PEG  
6 channels. A county or city must distribute the money received under this subsection to  
7 the PEG channel operator of the qualified PEG channel within 30 days of its receipt of  
8 the supplemental PEG support funds from the Department, or as specified in an  
9 interlocal agreement. If a qualified PEG channel has more than one PEG channel  
10 operator, then the county or city must distribute the amount allocated for that PEG  
11 channel equally to each PEG channel operator, or as specified in an interlocal  
12 agreement.

13 If a county or city determines that it certified a PEG channel in error, the county or  
14 city must submit a revised certification to the Secretary and it must return all  
15 supplemental PEG channel support distributed to it as a result of the error. The  
16 Secretary must add the funds returned to the total amount to be allocated under this  
17 subsection in the following fiscal year. The amount distributed under this subsection for  
18 the following fiscal year may exceed the two million dollars (\$2,000,000) limit by the  
19 amount of funds returned in the prior fiscal year.

20 For purposes of this subsection, the following definitions apply:

- 21 (1) Existing agreement. – Defined in G.S. 66-350.
- 22 (2) PEG channel. – Defined in G.S. 66-350.
- 23 (3) PEG channel operator. – An entity that does one or more of the  
24 following:
  - 25 a. Produces programming for delivery on a PEG channel.
  - 26 b. Provides facilities for the production of programming or  
27 playback of programming for delivery on a PEG channel.
- 28 (4) Qualifying PEG channel. – A PEG channel that meets all of the  
29 following programming requirements for at least 120 continuous days:
  - 30 a. The PEG channel must deliver at least eight hours of scheduled  
31 programming a day.
  - 32 b. The PEG channel must deliver at least six hours and 45 minutes  
33 of scheduled, non-character-generated programming a day.
  - 34 c. The programming content of the PEG channel must not repeat  
35 more than fifteen percent (15%) of the programming content on  
36 any other PEG channel provided to the certifying county or  
37 city."

38 **SECTION 2.** Notwithstanding G.S. 105-164.44I(b), certifications of  
39 qualifying PEG channels for use in distributing fiscal year 2008-2009 supplemental  
40 PEG channel support may be submitted to the Secretary on or before September 15,  
41 2008. The distribution of supplemental PEG channel support that must be made within  
42 75 days after June 30, 2008, shall be based on the qualifying PEG channel certification  
43 in effect for the prior distribution.

44 **SECTION 3.** This act is effective when it becomes law.